

[Back](#)[Print](#)

## Board of County Commissioners Agenda Request 24

**Date of Meeting:** November 25, 2003

**Date Submitted:** November 19, 2003

**To:** Honorable Chairman and Members of the Board  
**From:** Parwez Alam, County Administrator  
Gary W. Johnson, Director, Growth and Environmental Management  
**Subject:** Conduct the First Public Hearing To Adopt a Proposed Redevelopment Ordinance  
Amending the Environmental Management Act

---

**Statement of Issue:**

This is to conduct the first public hearing to adopt a proposed Redevelopment Ordinance that amends Leon County's Land Development Code (Attachment #1).

**Background:**

A proposed Ordinance known as the "Redevelopment Ordinance" has been drafted. This Ordinance would amend Chapter 10, Land Development Code of Laws (the LDC), relating to the Environmental Management Act by adding a new section to the LDC addressing redevelopment. Although redevelopment issues are already addressed in various sections of the LDC to a limited degree, the proposed Ordinance would cover several additional matters.

**Analysis:**

The current LDC defines redevelopment as demolition or removal of the principal structure or 50 percent or more of the impervious surface existing on a site. If a site qualifies for redevelopment, then all the requirements of the EMA apply. The proposed Redevelopment Ordinance provides for reduction of landscaping and rate control requirements. The following provides an explanation by sub-section of the proposed revisions to the LDC.

Subsection 10-173(1) of the proposed Ordinance allows for reduction of landscaping, canopy coverage, natural area, and allows for increased credit for preserving trees and existing impervious area. Subsection 10-173(1)(a) reduces the required landscape area from 25% to 12.5%, reduces the interior landscape requirements from 400 square feet of interior landscaping per 5,000 square feet of vehicular use area to 400 square feet of interior landscaping per 10,000 square feet of vehicular use area and reduces the front perimeter buffer from 20 feet to 10 feet. This will allow redevelopment projects more flexibility with landscaping while still requiring some aesthetic value and opportunity to preserve existing trees.

Subsection 10-173(1)(b) exempts redevelopment from the 40% canopy coverage of the parking areas. This requirement would be very difficult to meet with the reduced landscape requirements, and most older sites would require the parking lot to be redesigned and constructed to meet this current requirement. Thus, by allowing redevelopment sites to be exempt, the sites will incur less redesign and construction cost.

Subsection 10-173(1)(c) allows redevelopment sites to receive double credit for preserving protected trees. This

encourages sites to retain their existing trees and gives added incentive for their effort. Many redevelopment sites have few trees and retaining the existing larger, older trees will provide added shade, aesthetic value and habitat compared to replanting. It also will be a cost savings, in that fewer trees will have to be replanted if some existing trees are preserved.

Subsection 10-173(1)(d) allows for a site to claim Site Design Alternative if no impacts are proposed to preservation areas. This allows a site to reduce the required natural area to 10% of the site as long as no impacts are proposed to preservation features such as wetlands, water bodies, watercourses, etc. This means redevelopment sites can achieve a higher density yet high quality areas will still be preserved. Even if a site has wetlands, it may still claim Site Design Alternative as long as no impacts are proposed to the wetland. A site may have 12% wetlands, then the site would only provide 12% natural area. This will allow greater flexibility for expansion while still protecting preservation features as required by the Comprehensive Plan.

Subsection 10-173(1)(e) clarifies that a downstream analysis is not required for redevelopment sites not adding impervious area. Downstream analyses are required to determine if the proposed development's new impervious will have an adverse effect on downstream property. If there is no net increase in impervious area, the analysis is not needed.

Redevelopment only applies when the principal structure or 50% or more of the impervious surface existing on a site is destroyed and rebuilt. The current code requires a redevelopment site to retrofit stormwater when having this kind of extensive investment and redesign. This is consistent with policies in the Comprehensive Plan that recommend retrofitting for existing developments not in compliance with the Comprehensive Plan. This is also consistent with the Florida Department of Environmental Protection (FDEP) regulations for stormwater in Chapter 62-25 Florida Administrative Code (FAC). The FDEP requires stormwater treatment if the principal structure is removed and reconstructed due to the increase in pollutant loadings from the new traffic generated by the development.

Subsection 10-173(1)(f) allows a site to claim 50% of the existing impervious area during redevelopment, allowing a redevelopment site to have a smaller pond but still requiring some stormwater improvement to the site. This will still help the conveyance systems and possibly any downstream flooding areas. It will also encourage redevelopment by decreasing the existing requirements. It will continue the requirement that water quality be provided for the site, which helps protect the water quality of our lakes and streams and reduces degradation of these systems, consistent with the retrofit policies of the Comprehensive Plan and regulations of the FDEP.

Subsection 10-173(2) allows for a variance from any section of the code to be heard by the Board. Redevelopment is very specific to each site, and most sites are not considered redevelopment. In cases where a site cannot meet any section of the code, the redevelopment site may bring a variance request to the Board of County Commissioners in accordance with the criteria in Section 10-378.

The proposed Redevelopment Ordinance is more stringent than the City's Redevelopment Ordinance in several areas. These differences are summarized in Attachment #2. The City does not require retrofitting for water quality for existing impervious. Staff disagrees with this concept since most of the water quality problems have occurred due to lack of stormwater treatment on sites that were developed when no stormwater regulations existed. Requiring water quality treatment is fundamental for protecting lakes, streams and other water systems. It is also required by the FDEP's stormwater regulations. A second difference is that the City does not require rate control if there is capacity in the downstream stormwater conveyance system and if any known flooding or drainage problem will not be worsened by the redevelopment. The County's proposed Ordinance requires rate control for 50% of the existing impervious area, which is designed to reduce the ponds size and promote redevelopment, but still provide some relief to conveyance systems and downstream flooding which did not experience these rates at the pre-development conditions. The landscaping differences are summarized in

Attachment #2. As stated above, if the applicant cannot meet the redevelopment requirements, then a variance can be presented to the Board of County Commissioners for consideration.

A consistency review was performed by the Tallahassee-Leon County Planning Department. The Tallahassee-Leon County Planning Commission found the proposed ordinance consistent with the Comprehensive Plan on September 10, 2003.

The proposed Redevelopment Ordinance was reviewed and discussed by the Growth and Environmental Management (GEM) Citizens' User Group on October 23, 2003. There were two comments made regarding the ordinance. The first comment was that the redevelopment allowances should only apply if a site was fully developed with significant impervious area. The concern was that if a site only had a small shed or barn, and it was removed, that the entire parcel could take advantage of this loophole and use the redevelopment allowances to circumvent the code. Staff agreed that there was sufficient vagueness in the code on this issue and made a change to require that the allowances would only apply if the parcel had existing impervious area greater than or equal to 25%. This provides greater clarification and still provides incentive to retrofit for stormwater which protects downstream water quality and flooding.

The second comment by the Group was that the redevelopment allowances should only apply within the urban services area to prevent urban sprawl. Staff agrees and has placed this requirement in the draft ordinance. Redevelopment outside the urban services area will have to comply with all the requirements of the EMA.

This hearing was advertised in the Tallahassee Democrat on Tuesday, November 18, 2003 (Attachment #3). Staff recommends scheduling a second public hearing for adoption of the proposed Redevelopment Ordinance on December 9, 2003.

**Options:**

1. Conduct the first public hearing to adopt proposed Redevelopment Ordinance amending the Environmental Management Act and direct staff to schedule the second public hearing for December 9, 2003.
2. Conduct the first public hearing and do not adopt the proposed Redevelopment Ordinance amending the Environmental Management Act.
3. Board direction.

**Recommendation:**

Option #1

**Attachments:**

1. Proposed Redevelopment Ordinance.
2. Summary of Differences between City and the proposed County Redevelopment Ordinance.
3. Advertisement in the Tallahassee Democrat

[Back](#)

[Print](#)

Last Revision: 11/10/03

**ORDINANCE NO. 03-39**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, LAND DEVELOPMENT CODE, OF THE LEON COUNTY CODE OF LAWS RELATING TO THE ENVIRONMENTAL MANAGEMENT ACT (EMA); ADDING A NEW SECTION 10-173, REDEVELOPMENT ALLOWANCES; AMENDING SECTION 10-186, PROHIBITIONS; AMENDING SECTION 10-242, GENERAL APPLICABILITY; AMENDING SECTION 10-266, PLANTING STANDARDS FOR ALL LANDSCAPE AREAS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Portions of the Table of Contents of Chapter 10 of the Code of Laws of Leon County, Florida, are hereby amended as follows:

Sec. 10-173. Redevelopment Allowances

Secs. 10-173-10-185. Reserved

Section 2. Article VII, entitled "Environmental Management" of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended by adding a new Section, 10-173 "Redevelopment Allowances", which section shall read as follows:

Section 10-173. Redevelopment Allowances

When redevelopment is occurring, it is the intent of this section to allow for the following modifications to this article:

(1) Allowances. The following allowances apply to parcels within the urban services area with existing impervious area greater than or equal to 25% of the parcel, if there is no reduction to Special Development Zone Requirements and the requirements of section 10-346:

- (a) The landscaping area requirements of sections 10-257, 10-260(1)a., 260(2) shall be 1/2 the listed requirement except the minimum landscape island area shall remain 400sf.
- (b) Section 10-266(c)(4)a. 40% canopy coverage of parking areas shall not apply.
- (c) Trees preserved shall receive double the credit listed in section 10-264.
- (d) A parcel may utilize section 10-259 if no impacts are proposed to preservation areas.

(e) If no increase in impervious area is proposed then section 10-208 (15)a. is presumed to be met.

(f) If providing full water quality treatment as required by the rest of this article, then the parcel may utilize 50% of the existing impervious in the rate control and downstream analysis calculations required in section 10-208.

(2) Variances.

Where a redevelopment site can not meet the requirements of specific stormwater management, landscape, and tree protection requirements of divisions 2, 3, and 4, a variance may be sought by submitting an application to Leon County Growth and Environmental Management Department in accordance with the requirements in Section 10-378.

**Secs. 10-1734-10-185. Reserved.**

**Section 2.** Section 10-186 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

**Sec. 10-186. Prohibitions.**

(a) unchanged

(b) *Compliance with standards.*

(1) *Permits issued January 15, 1990, and thereafter.* No development or redevelopment activity shall be permitted or undertaken subsequent to January 15, 1990, unless and until the director determines that plans and specifications for such activity indicate that all stormwater management requirements and standards of this division will be met for the entire site for new development activities, or for the particular parcel in the case of redevelopment activity with the allowances listed in section 10-173. However, where activities proposed for a parcel will be less extensive than that set out in the definition of redevelopment, the plans and specifications for such activity need only show that all requirements of this division will be met for the specific portions of the parcel subject to alteration, without requiring that the entire parcel be retrofitted.

(2) unchanged

(c) and (d) unchanged

(Ord. No. 92-3, § 1(7-10), 1-28-92; Ord. No. 95-14, § 4, 9-12-95; Ord. No. 00-45, § 3, 11-14-00)

1 **Section 3.** Section 10-242 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby  
2 amended as follows:

3  
4 **Sec. 10-242. General applicability.**

5  
6 (a) Landscaping information shall be provided in a landscape development plan as part of the  
7 environmental management permit application; for all new development and redevelopment  
8 in the county except as specified in subsection(b). The following requirements and standards  
9 for landscaping shall apply:

- 10  
11 (1) Minimum landscaped areas in all developed land use areas, including towers and  
12 telecommunication projects, additions of 1,000 square feet or more of impervious  
13 area, or where redevelopment requires additional parking or stormwater management  
14 facilities, in accordance with sections 10-173, 10-257 and 10-260 through 10-269,  
15 including section 10-1115 for towers and telecommunication projects.

16  
17 (2) through (6) unchanged

18  
19 (b) unchanged

20  
21 (Ord. No. 92-3, § 1(7-21(2)), 1-28-92; Ord. No. 95-14, § 10,9-12-95; Ord. No. 00-45, § 3, 11-14-00)

22  
23  
24 **Section 4.** Section 10-266 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby  
25 amended as follows:

26  
27 **Sec. 10-266. Planting standards for all landscape areas.**

28  
29 (a) *Applicability.* The following requirements and standards for landscaping shall apply, and  
30 landscaping information shall be provided in a landscape plan as part of the Environmental  
31 Management Permit application, for all new development and redevelopment in accordance  
32 with sections 10-173, 10-242,10-257 and 10-258 of this division.

33  
34 (b) through (e) unchanged

35  
36 (Ord. No. 92-3, § 1(7-22(10)), 1-28-92; Ord. No. 00-45, § 3, 11-14-00)

37  
38  
39 **Section 5. Conflicts**

40  
41 All ordinances or parts of ordinances in conflict with the provisions of the Ordinance are hereby  
42 repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent  
43 of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which

1 provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or  
2 in part, with the Comprehensive Plan.  
3

4  
5 **Section 6. Severability**

6  
7 If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be  
8 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a  
9 separate, distinct and independent provision and, such holding shall not affect the validity of the  
10 remaining portions of this Ordinance.  
11

12  
13 **Section 7. Effective Date**

14  
15 This ordinance shall have effect upon becoming law.  
16  
17  
18

19  
20 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,  
21 Florida, this \_\_\_\_ of \_\_\_\_.  
22

23  
24 LEON COUNTY, FLORIDA

25  
26 BY: \_\_\_\_\_  
27 TONY GRIPPA, CHAIRMAN  
28 BOARD OF COUNTY COMMISSIONERS  
29

30  
31 ATTEST:  
32 BOB INZER, CLERK OF THE COURT  
33 LEON COUNTY, FLORIDA  
34

35 APPROVED AS TO FORM:  
36 LEON COUNTY ATTORNEY'S OFFICE

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
HERBERT W.A. THIELE, ESQ.  
COUNTY ATTORNEY